IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 13816 of 2005

Between:

Shaik Ibrahim, S/o. S.A. Majeed,
R/o. C/C 41 C.Camp, Kurnool, Kurnool District.

..... PETITIONER

A N D

1 The District Collector and Magistrate -cum- Estate Officer, Kurnool,

Kurnool District.
2 The District Revenue Officer, Kurnool, Kurnool District.
3 The Mandal Revenue Officer, Kallur Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the action of the respondent No.3 herein in threatening to vacate the quarter occupied by the petitioner bearing Quarter o. C/C 41, C.Camp, Kurnool, without issuing any notice and without following the due process of Law, as illegal, arbitrary, violative of Articles 14 and 21 of the Constitution of India and consequently direct the Respondents to permit the petitioner to stay in the said quarter for a period of 6 months.

Counsel for the Petitioner: MR.J.JANAKIRAMI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following: (order follows 2nd page)

O R D E R :

This writ petition is filed to declare the action of the third respondent in threatening to vacate the quarter occupied by the petitioner bearing No.C/C41, C.Camp, Kurnool, without issuing any notice and without following due process of law, as illegal, arbitrary, violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to permit him to stay in the said quarter for a period of six months.

The case of the petitioner is that he worked as Sub-Inspector of Police, Intelligence at Kurnool. He retired from service on 30-6-2004. While he was in service he was allotted a quarter bearing No.C/C41 at C.Camp Kurnool and the rent was deducted from out of his salary. Subsequent to his retirement, he was paying requisite standard rent of Rs.804/- to the Executive Engineer, R & B, Kurnool by way of challan.

The petitioner submits that after his retirement he has not received retiremental benefits such as Gratuity, GPF, Leave Salary, Bhadratha and APGLIC etc. He approached the concerned authorities and requested to release his retiremental benefits. However, during the month of February 2005 the concerned authorities have released his retiremental benefits but the APGLIC amount has not been released.

The petitioner further submits that subsequent to the release of the said amounts, he purchased a house plot at Devanagar, Kurnool and construction is going on rapidly

and it may take about four or five months for completion of entire construction work. Further his daughter's marriage is also fixed and it may be held in the month of September 2005. Moreover, his wife is suffering with chronic nervous disease and unable to move from bed. In the above circumstances, he has submitted a representation to the respondent on 21-6-2005 requesting him to permit him to stay in the said quarter for a period of six months, by which time the entire construction work of his house would be completed.

While things stood thus, the respondent without issuing any show cause notice or eviction proceedings from the first respondent is frequently coming to his quarter and threatening him to vacate the quarter, otherwise, he would evict him by use of force. He further submitted that the employees who have been retired in the year 1998 are still continuing in Government quarters but no action is contemplated against them but the third respondent is acting illegally and in a high handed manner causing severe mental agony. Therefore, he filed the present writ petition.

On hearing the learned counsel for the petitioner and also the Government Pleader for Revenue, the petitioner is a retired Sub-Inspector of Police and he is being threatened by the respondents to vacate the aforesaid quarter. Be that as it may, the present writ petition is not maintainable under Article 226 of the Constitution of India. However, the petitioner is at liberty to approach before the appropriate forum; namely, the Andhra Pradesh Administrative Tribunal, Hyderabad, and seek necessary orders.

The writ petition fails and is accordingly dismissed. No costs.

JUNE 28th, 2005. ----------

I S L. ELIPE DHARMA RAO, J

To

1 The District Collector and Magistrate -cum- Estate Officer, Kurnool,

Kurnool District.
2 The District Revenue Officer, Kurnool, Kurnool District.
3 The Mandal Revenue Officer, Kallur Mandal, Kurnool District.

4 1 CC to MR.JANAKIRAMI REDDY

5 One CC to Govt.Pleader for Revenue,

High Court Buildings, High Court of AP Hyderabad (OUT).

6 Two CD Copies.